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THE STATUS OF MEMBERS UPON
THE DISSOLUTION OF THE LEGISLATURE

Current Issue Paper 40



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THE STATUS OF MEMBERS UPON
THE DISSOLUTION OF THE LEGISLATURE

Current Issue Paper 40

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September 1990

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THE ISSUE

On July 30, 1990, a proclamation was issued by the Lieutenant Governor dissolving the Ontario Legislature and naming September 6th as the date for a general election.¹ What were the consequences of this proclamation for the individual Members of the House? More specifically, when the election was called, how was the legal status of Members affected? Were they Members for some purposes, but not for others?

GENERAL EFFECTS OF DISSOLUTION

An answer to these questions breaks down into three parts:

1. *ALL MEMBERS*. Once the Legislature is dissolved Members can continue to represent their constituents until they are defeated, resign or retire. However, not all of the entitlements Members receive during the life of a Parliament continue after a dissolution. In Ontario, the Legislative Assembly Act² extends certain entitlements to Members after dissolution. The Office of the Assembly has issued several documents which explain these and other entitlements in detail.³ The relevant provisions of the Act and the Office guides are reviewed below.

2. *PREMIER, CABINET MINISTERS AND PARLIAMENTARY ASSISTANTS*.

Under the norms of responsible government, the Premier and his or her cabinet remain in office to carry on the functions of government after a dissolution. If the ensuing election produces a legislature which it appears will support the governing party on a vote of confidence, then the Premier and the cabinet continue in office without a break.⁴ Legally, the Premier and his or her ministers retain their portfolios even if they are defeated in their constituencies, since it is a matter of convention, not a statutory requirement, that a minister of the Crown be a Member of the Legislature.⁵ If the election results indicate that the governing party will lose a vote of confidence once the Legislature is convened, the Premier will advise the Lieutenant Governor of this likelihood and his or her government will resign. In these circumstances the Lieutenant Governor must find another party leader who can form a government which will command the confidence of the Legislature.

Ministers hold office "during pleasure," in accordance with section 2(1) of the Executive Council Act. That subsection provides, in part, that:

The Lieutenant Governor may appoint under the Great Seal from among the ministers of the Crown* . . . ministers to hold office during pleasure⁶ [emphasis added]

In practice, "during pleasure" usually means until a resignation is submitted and a new appointment is made.

Parliamentary Assistants are appointed by the Lieutenant Governor in Council (in practice, the Premier and the cabinet) by means of an Order-in-Council pursuant to section 2(2) of the Executive Council Act. The length of a term of a Parliamentary Assistant is determined by the Premier and cabinet and will be specified in the Order-in-Council appointing a Member to the position. Therefore, a Member's term as a Parliamentary Assistant is not affected by the dissolution of the Legislative Assembly, but continues until the end of the period specified in the Order-in-Council.

3. *SPEAKER AND DEPUTY SPEAKER*. The Speaker and Deputy Speaker also continue in office following the dissolution of the Legislature. They do so under the authority of the Legislative Assembly Act, which states that:

The persons who hold the office of Speaker and Deputy Speaker at the time of any dissolution of the Legislature shall be deemed to be the Speaker and Deputy Speaker, respectively, until a Speaker and Deputy Speaker are elected by the Assembly.⁷

EXTENSION OF ENTITLEMENTS

As mentioned above, some of the entitlements of Members continue after dissolution. These entitlements are discussed under the following headings: indemnities and allowances; support services; and legal status of Members.

* The phrase "ministers of the Crown" first appears in section 1 of the Act, which declares that "the Executive Council shall be composed of such persons as the Lieutenant Governor from time to time appoints, and all executive councilors so appointed are ministers of the Crown, and rank among themselves in the order of their appointments."

Indemnities and Allowances

Remuneration

Section 60 of the Legislative Assembly Act prescribes an indemnity and expense allowance for every Member. The terms of this section apply to all Members regardless of whether they are seeking re-election. For the purpose of computing the actual amounts payable under this section, a Member is deemed to be a Member from the polling day on which elected until the day preceding polling day following dissolution of the Legislature, or until the Member's death or resignation, whichever occurs first.

Additional indemnities payable to the Speaker, the Deputy Speaker, the Leaders and House Leaders of the Official Opposition and Third Party, and the Caucus Chairs, are computed in the same manner. If the Members holding these positions are re-elected and continue in their positions, their additional indemnities continue uninterrupted.⁸

Members who serve as the Deputy Chair of the Committee of the Whole House, as a Chair or Vice-Chair of Standing or Select Committees, or as a Whip, also receive an additional indemnity. Such officeholders are deemed to occupy their positions until the writ is issued for an election. On the day the writ is issued these additional indemnities stop. If these Members are re-elected and are re-appointed to their positions, their additional indemnities are reinstated effective the date of their re-appointment.⁹

Accommodation Expenses in Toronto

The Premier, the Leaders of the Official Opposition and Third Party, and all Ministers are entitled to claim for the cost of accommodation in Toronto, if their principal residence is located outside the Municipality of Metropolitan Toronto. Entitlement to this allowance includes the period between the day a writ for a general election is issued and the commencement of the first session of the new Parliament.¹⁰

The Speaker is in a special category. He or she may not claim accommodation expenses in Toronto, as a suite in the Legislative Building is provided for the Speaker's use.¹¹

How is the eligibility of other Members defined? Every private Member whose principal residence is located outside the Municipality of Metropolitan Toronto is entitled to claim for the cost of accommodation in Toronto while attending as a Member of the Assembly at the seat of government at Toronto. This allowance is available from the polling day on which he or she is elected until the earliest of [1] the day on which the Member resigns as a Member of the Legislature, [2] the death of the Member, or [3] the day preceding the polling day that follows a dissolution of the House.¹²

Travel Expenses

Each Member is entitled to claim an allowance for travel expenses in accordance with subsections 66(1)-(6) of the Legislative Assembly Act. After a writ for a general election is issued, this allowance ceases; it becomes available again once a Member has been declared elected to the next Parliament.¹³ However, during the election period Members are permitted to claim expenses for one return trip between their constituency and Queen's Park.¹⁴

Defeated or retiring Members are permitted one return trip between their constituency and Queen's Park for the purpose of finalizing their Queen's Park operations.¹⁵

Outtake Allowances

Members are entitled to a severance allowance upon retirement, resignation or defeat. The allowance is one month's pay per year of service at the rate being received at the time of leaving office.¹⁶

Under the terms of the Legislative Assembly Retirement Allowances Act,¹⁷ a Member who has contributed to the Legislative Assembly Retirement Fund in respect of five or more years of service and has credit for a sufficient number of years service such that, when added to his or her age on the date of ceasing to be a Member, totals at least 55 years, is entitled to an annual allowance for life upon ceasing to be a Member.¹⁸

If a Member has contributed to the Fund in respect of at least five years of service but does not satisfy the 55 year rule, he or she may elect to take a deferred annual allowance.

A Member who ceases to be a Member before becoming eligible for a retirement allowance is entitled to a refund of all contributions with interest.

Members who have resigned or do not seek re-election are entitled to reimbursement for out-counselling services. The maximum amount that may be claimed is \$7,000.¹⁹

Support Services

Queen's Park Office Expenses

Members' Queen's Park offices remain open after the writ is issued. However, the Office of the Assembly will not fund the following: orders for stationery and office supplies; emergency purchase provisions; petty cash reimbursements; publication and framing allowances; and additions to furniture and office equipment. Office moves by Members are not allowed during the election period.²⁰

Constituency Office Expenses

The Office of the Assembly continues to fund the operation of Members' constituency offices from the day the writ is issued until polling day. However, once the writ is issued the Office will not fund the acquisition and delivery of new furniture and office equipment. The constituency office is to be used to continue to address constituents' interests during a campaign, not a Member's partisan political activities. During the election period the Office can refuse to reimburse Members for "expenses that appear to be out of context of the normal functioning and operating of a Constituency Office."²¹

Members' Support Staff

A global support staff allowance is provided to each Member. This allowance covers the cost of staff hired by Members to work in either their Queen's Park or constituency offices. Three categories of staff may be hired: Legislative/Constituency Assistant; Special Assistant; and Executive Assistant.

In the event of the Member's defeat, these Assistants must receive notice of termination of "up to 8 weeks with pay, or date of new employment, whichever is less."²² The notice period starts on the day after election day. Staff continue to work during the notice period, but are given reasonable time off without loss of pay to allow them to find alternative employment.²³

Caucus Allowances

Funds are allocated to each of the three party caucuses for the provision of research assistance and other support services. This kind of funding remains unchanged between the date of dissolution and election day. The Manual of Administration elaborates:

Caucus allowances are based on the number of Members of the Legislative Assembly belonging to each caucus. Consequently, if there is a change in distribution of Members in the Legislature as a result of an election, caucus allowances will be altered to reflect this change. Any resulting alteration in entitlement is effective as of election day.²⁴

Legislative Library

It is the policy of the Legislative Library to continue to serve Members after the dissolution of the House. A Member is considered to be a Member until he or she is unseated. This policy has been adopted pursuant to Standing Order 140 of the Legislative Assembly, which states:

The management of the Library, including the regulation of admission, hours of operation, maintenance of a catalogue of books, and security and preservation of the collection, is the responsibility of the Executive Director of the Legislative Library, subject to such special orders as the Executive Director may receive from time to time from the Speaker or the House

Constituency Mailings

Each Member is allowed three constituency mailings (i.e., newsletters) per fiscal year, paid for by the Office of the Assembly. No newsletters may be mailed once an election writ has been issued.

Material which is at the typesetting or printing stage at the time the writ is issued may not be mailed. However, the Office of the Assembly will absorb the production costs.²⁵

THE LEGAL STATUS OF MEMBERS

In Parliamentary Privilege in Canada, Joseph Maingot, formerly law clerk and parliamentary counsel to the House of Commons, writes that "the privileges, rights and immunities of the Member commence at the moment of the Member's official existence."²⁶ When does a Member officially exist? It appears that, in parliamentary practice, publication of notice of the return of Members in The Ontario Gazette commences the official existence of Members.²⁷

The Oath of Allegiance, then, has nothing to do with making a person a Member. Indeed, he or she must be a Member before being sworn in. The object of the Oath is to allow the Member to take a seat in the House.²⁸

There are some privileges which have a statutory basis and which depend on the dates a session begins and ends. These privileges are defined in sections 38 and 39 of the Legislative Assembly Act as follows:

38. Except for a contravention of this Act, a Member of the Assembly is not liable to arrest, detention or molestation for any cause or matter whatever of a civil nature during a session of the Legislature or during the twenty days preceding or the twenty days following a session.
39. During the periods mentioned in section 38, Members . . . of the Assembly . . . are exempt from serving or attending as jurors in any court of justice in Ontario.

Thus, it is possible that even before their names are published in The Ontario Gazette, Members may enjoy the privileges of freedom from arrest, detention, or molestation, or be exempt from serving as jurors. The key date is twenty days before the opening of the first session.

It should also be noted that the protection afforded Members under sections 38 and 39 extends for twenty days after dissolution.

FOOTNOTES

¹The proclamation appeared in The Ontario Gazette on 4 August 1990, as follows:



The Ontario Gazette La Gazette de l'Ontario

Vol. 123-31

Saturday, August 4th, 1990

ISSN 0030-2937

Samedi, le 4 août 1990

Proclamations

(Great Seal of Ontario)

LINCOLN M. ALEXANDER

PROVINCE OF ONTARIO

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME,

IAN SCOTT
Attorney General of Ontario

GREETING:

PROCLAMATION

WHEREAS We have thought fit, by and with the advice of Our Executive Council of Our Province of Ontario, to dissolve the present Legislative Assembly and to call forthwith a new Legislative Assembly:

NOW KNOW YE that WE DO HEREBY DIS-SOLVE the present Legislative Assembly of Our Province of Ontario, and DO HEREBY MAKE KNOWN Our Royal Will and Pleasure to call a new Legislative Assembly of Our said Province; and WE DO DECLARE that, by and with the advice of Our said Executive Council, WE have this day given orders for issuing Our Writs in due form for holding a general election of members to

serve in the new Legislative Assembly of Our said Province, the said Writs to bear date the thirtieth day of July, A.D., 1990, and to be returnable forthwith after the execution thereof; and WE DO FURTHER DECLARE that, as appointed by Our Lieutenant Governor in Council, the day for the nomination of candidates for the said general election shall be the twenty-third day of August, A.D., 1990, and the day on which polling shall take place where a poll is granted shall be the sixth day of September A.D., 1990.

OF ALL WHICH PREMISES all Our loving subjects and all others whom it doth or may in anywise concern are hereby required to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made patent and the Great Seal of Our Province of Ontario to be hereunto affixed.

WITNESS:

THE HONOURABLE LINCOLN M. ALEXANDER, A Member of Our Privy Council for Canada, One of Our Counsel Learned in the Law, Bachelor of Arts, Doctor of Laws, LIEUTENANT GOVERNOR OF OUR PROVINCE OF ONTARIO,

at Our City of Toronto in Our said Province this thirtieth day of July, in the year of Our Lord one thousand nine hundred and ninety and in the thirty-ninth year of Our Reign.

BY COMMAND

CHRIS WARD,
Minister of Government Services.

²Legislative Assembly Act, R.S.O. 1980, c. 235.

³See Ontario, Legislative Assembly, Office of the Assembly, Manual of Administration, 2 vols. (Toronto: The Office, February 1985); Office of the Assembly, Reference Manual of Procedures to Follow Both During and After a Provincial Election (Toronto: The Office, 1987); Office of the Assembly, Human Resources Branch, Guide to Members' Allowances and Services and Members' Support and Caucus Staff (Toronto: The Office, March 1990); and Office of the Assembly, Finance Branch, Handbook on Allowances and Expenses for Members During an Election Period (Toronto: The Office, July 1990).

⁴This passage is adopted from Peter W. Hogg, "Responsible Government," in The Canadian Political Tradition: Basic Readings, eds., R.S. Blair and J.T. McLeod, (Toronto: Methuen, 1987), pp. 28-29.

⁵Executive Council Act, R.S.O. 1980, c. 147, ss. 1 and 2(1).

⁶Executive Council Act, R.S.O. 1980, c. 147, s. 2(1).

⁷Legislative Assembly Act, R.S.O. 1980, c. 235, s. 33.

⁸Under s. 62(2) of the Legislative Assembly Act, when a Member ceases to hold the position of the Speaker, Leader of the Official Opposition or of the Third Party, the Member who succeeds to one of these positions is deemed to have occupied it as of the following day. Both the Act and the most recent guide issued by the Office of the Assembly, the Handbook on Allowances and Expenses for Members During an Election Period, are silent on the question of when Members succeeding to the positions of Deputy Speaker, House Leader of the Official Opposition or Third Party, or Caucus Chair, are deemed to occupy them for the purpose of receiving their additional indemnity, though it may be inferred they similarly are deemed to occupy their new positions on the day following the end of their predecessors' terms.

⁹Handbook on Allowances and Expenses for Members During an Election Period, p. 10.

¹⁰Guide to Members' Allowances and Services and Members' Support and Caucus Staff, p. 16; Executive Council Act, R.S.O. 1980, c. 147, s. 4(1); and Legislative Assembly Act, R.S.O. 1980, c. 235, s. 63.

¹¹Guide to Members' Allowances and Services and Members' Support and Caucus Staff, p. 16.

¹²Guide to Members' Allowances and Services and Members' Support and Caucus Staff, p. 16; Legislative Assembly Act, R.S.O. 1980, c. 235, s. 66(7) and (8).

¹³Guide to Members' Allowances and Services and Members' Support and Caucus Staff, p. 17; and Legislative Assembly Act, R.S.O. 1980, c. 235, s. 66(9).

¹⁴Handbook on Allowances and Expenses for Members During an Election Period, p. 3.

¹⁵Guide to Members' Allowances and Services and Members' Support and Caucus Staff, p. 17.

¹⁶Ibid., p. 15; and Handbook on Allowances and Expenses for Members During an Election Period, pp. 10-11.

¹⁷Legislative Assembly Retirement Allowances Act, R.S.O. 1980, c. 236, as am. S.O. 1984, c. 17, and S.O. 1985, c. 20.

¹⁸Ibid., R.S.O. 1980, c. 236, ss. 6, 18; and Handbook on Allowances and Expenses for Members During an Election Period, p. 11.

¹⁹Handbook on Allowances and Expenses for Members During an Election Period, p. 12.

²⁰Ibid., pp. 5-6.

²¹Ibid., p. 5.

²²Guide to Members' Allowances and Services and Members' Support and Caucus Staff, p. 34.

²³Ibid.

²⁴Manual of Administration, 1:6-2-7.

²⁵Reference Manual of Procedures to Follow Both During and After a Provincial Election, p. 6; and Handbook on Allowances and Expenses for Members During an Election Period, pp. 6, 22.

²⁶Joseph Maingot, Parliamentary Privilege in Canada (Toronto: Butterworths, 1982), p. 20.

²⁷Ibid., p. 21.

The names of the successful candidates are published in The Ontario Gazette pursuant to s. 82 of the Election Act, 1984, S.O. 1984, c. 54. S. 82 holds that:

the Chief Election Officer, on receiving the return of a member elected to the Assembly, shall give notice of the receipt of the return in the next ordinary issue of The Ontario Gazette, the date of such receipt and the name of the candidate elected.

Following is the notice which appeared in the Gazette on 22 September following the election of 1990.

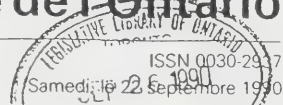


THE ONTARIO GAZETTE

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Samedi 22 Septembre 1990

Parliamentary Notice

Avis parlementaire

RETURN OF MEMBERS

ÉLECTION DES DÉPUTÉS

NOTICE IS HEREBY GIVEN of the receipt of the return of members on or after the fourteenth day of September, 1990, to represent the following Electoral Districts in the Legislative Assembly of the Province of Ontario:

NOUS ACCUSONS RÉCEPTION PAR LA PRÉSENTE DES résultats du scrutin, le quatorzième jour de septembre 1990 ou après, indiquant l'élection des députés représentant les circonscriptions électorales suivantes à l'Assemblée législative de la province de l'Ontario:

Electoral Districts/Circonscriptions électorales

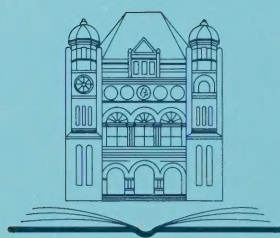
1. Algoma Bud Wildman
2. Algoma-Manitoulin Mike Brown
3. Beaches-Woodbine Frances Lankin
4. Brampton South/ Bob Callahan
5. Brampton-Sud Brad Ward
6. Brantford Robert Nixon
7. Brant-Haldimand Murray Elston
8. Bruce
9. Burlington South/ Cam Jackson
10. Burlington-Sud Mike Faman
11. Carleton Norman W. Sterling
12. Carleton East/ Gilles Morin
13. Carleton-Est Randy Hope
14. Chatham-Kent
15. Chatham-Kent
16. Cornwall John C. Cleary

17. Don Mills Margaret Ward
18. Dovercourt Tony Silko
19. Downsview Anthony Perruzza
20. Dufferin-Peel David Tilson
21. Durham Centre/ Drummond White
22. Durham-Centre
23. Durham West/ Jim Wiseman
24. Durham-Ouest Larry O'Connor
25. Durham-York Dianne Poole
26. Eglinton Peter North
27. Elgin Pat Hayes
28. Essex-Kent Jim Henderson
29. Etobicoke-Humber Ruth Grier
30. Etobicoke-Lakeshore Ed Philip
31. Etobicoke-Rexdale
32. Etobicoke West/ Chris Stockwell
33. Etobicoke-Ouest Lyn McLeod
34. Fort William Rosario Marchese
35. Fort York Fred Wilson
36. Frontenac-Addington Bill Murdoch
37. Grey Derek Fletcher
38. Guelph
39. Halton Centre/ Barbara Sullivan
40. Halton-Centre
41. Halton North/ Noel Duignan
42. Halton-Nord
43. Hamilton Centre/ David Christopherson
44. Hamilton-Centre
45. Hamilton East/ Bob Mackenzie
46. Hamilton-Est
47. Hamilton Mountain/ Brian Charlton
48. La Montagne
49. Hamilton Richard Allen
50. Hamilton West/
51. Hamilton-Ouest
52. Hastings- Elmer Buchanan
53. Peterborough
54. High Park-Swansea Elaine Ziemba

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46. Huron Paul Klopp
47. Kingston and the Islands/Kingston et les îles Gary Wilson
48. Kingston-Wilmet Mike Coope
49. Lambton Ellen MacKinnon
50. Lanark-Renfrew Leo Jordan
51. Lawrence Joseph Cordiano
52. Leeds-Grenville Bob Runciman
53. Lincoln Ron Hansen
54. London Centre/ Marion Boyd
55. London-Centre
56. London North/ Dianne Cunningham
57. London-Nord
58. London-Sud David Winninger
59. Markham Don Cousens
60. Middlesex Irene Mathysen
61. Mississauga East/ John Sola
62. Mississauga-Est
63. Mississauga North/ Steve Offer
64. Mississauga-Nord
65. Mississauga South/ Margaret Marklajd
66. Mississauga-Sud
67. Mississauga West/ Steve Mahoney
68. Mississauga-Ouest
69. Muskoka- Georgian Bay/ Dan Waters
70. Muskoka- Baie Georgienne Hans Daigeler
71. Nepean Margaret Harrington
72. Niagara Falls Shirley Coppen
73. Niagara South/ Floyd Laughren
74. Niagara-Sud Mike Harris
75. Nickel Belt Norm Jamison
76. Nipissing Joan Fawcett
77. Norfolk
78. Northumberland Gary Carr
79. Oakville South/ Tony Rizzo
80. Oakville-Sud Elinor Caplan
81. Oakwood Allan Pilkey
82. Orillia
83. Oshawa Evelyn Gigantes
84. Ottawa Centre/ Bernard Grandmaitre
85. Ottawa-Centre Yvonne O'Neill
86. Ottawa East/ Dalton McGuinty
87. Ottawa-Est
88. Ottawa-Rideau Bob Chiarelli
89. Ottawa-Sud Kimble Sutherland
90. Ottawa-Sud Tony Ruprecht
91. Ottawa West/ Ernie Eves
92. Ottawa-Ouest Karen Haslan
93. Oxford Shelley Wark-Martyn
94. Parkdale
95. Parry Sound
96. Perth
97. Port Arthur
98. Prescott and Russell/Prescott et Russell Jean Poirier
99. Prince Edward- Lennox- South Hastings/ Paul Johnson
100. Prince Edward- Lennox- Hastings-Sud
101. Quinte Hugh P. O'Neil
102. Rainy River Howard Hampton
103. Renfrew North/ Sean Conway
104. Renfrew-Nord Marilyn Churley
105. Riverdale St. Andrew- Zanana L. Akande
106. St. Patrick St. Catharines Jim Bradley
107. St. Catharines- Brock Christel Haack
108. Sarnia Bob Huget
109. Sault Ste. Marie/ Tony Martin
110. Sault-Ste-Marie
111. Scarborough- Agincourt Gerry Phillips
112. Scarborough-Centre Steve Owens
113. Scarborough East/ Robert T.S. Frankfort
114. Scarborough-Est
115. Scarborough- Ellesmere David Warner
116. Scarborough North/ Alvin Curling
117. Scarborough-Nord
118. Scarborough West/ Anne Swarbrick
119. Scarborough-Ouest
120. Simcoe Centre/ Paul Wessinger
121. Simcoe-Centre
122. Simcoe East/ Al McLean
123. Simcoe-Est
124. Simcoe West/ Jim Wilson
125. Simcoe-Ouest
126. Stormont, Dundas and Glengarry/ Stormont, Dundas et Glengarry Noble A. Villeneuve
127. Sudbury Sharon Murdock
128. Sudbury East/ Shelley Martel
129. Sudbury-Est David Ramsay
130. Timiskaming
131. Victoria Dennis Drainville
132. Haliburton
133. Waterloo North/ Elizabeth Witmer
134. Waterloo-Nord Peter Kormos
135. Welland-Thorold Ted Arnot
136. Wellington
137. Wentworth East/ Mark Morrow
138. Wentworth-Est Charles A. Harnick
139. Willowdale Monte Kwinter
140. Wilson Heights Dave Cooke
141. Windsor-Riverside George Dadamo
142. Windsor-Sandwich
143. Windsor- Walkerville Wayne Lessard
144. York Centre/ Gregory Sorbara
145. York-Centre
146. York East/ Gary Malkowski
147. York-Est David Turnbull
148. York Mills
149. York South/ Bob Rae
150. York-Sud George Mammoliti
151. Yorkview

²⁸Alistair Fraser, W.F. Dawson and John A. Holtby, eds., Beauchesne's Rules and Forms of the House of Commons of Canada, 6th ed. (Toronto: Carswell, 1989), p. 68. The Constitution Act, 1867 (U.K.), 30 & 31 Vic., c. 3 (formerly the British North America Act, 1867) prescribes the Oath of Allegiance for Members of the Legislative Assembly in s. 128.





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